

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHIMELL,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	No. 05-6620
	:	
DE LAGE LANDEN FINANCIAL SERVICES,	:	
Defendant.	:	
	:	

ORDER

AND NOW, this 10th day of August, 2009, upon consideration of Defendant's Motion to Dismiss (Doc. No. 57), and all memoranda of law submitted by the parties (Doc. No. 58, 61 and 62), it is hereby **ORDERED** that said motion is **DENIED**.

BY THE COURT:

/S/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.